

ESTTA Tracking number: **ESTTA392338**

Filing date: **02/08/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Philotic, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	2105 Martin Luther King Jr. Way Berkeley, CA 94704 UNITED STATES		

Attorney information	Thomas Zellerbach & Kristin Cornuelle Orrick, Herrington & Sutcliffe LLP 1000 Marsh Road Menlo Park, CA 94025 UNITED STATES tzellerbach@orrick.com, kcornuelle@orrick.com, orapoport@orrick.com, ipprosecution@orrick.com Phone:650-614-7400
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Registration Subject to Cancellation

Registration No	3807463	Registration date	06/22/2010
Registrant	Cause TV, Inc. 13312 Beall Creek Court Potomac, MD 20854 UNITED STATES		


Goods/Services Subject to Cancellation

Class 041. First Use: 2008/06/20 First Use In Commerce: 2008/06/20 All goods and services in the class are cancelled, namely: Entertainment services, namely, providing a web site featuring photographic, video and prose presentations featuring social and environmental issues, corporate responsibility, political issues, citizen action and non-profits
Class 042. First Use: 2008/06/20 First Use In Commerce: 2008/06/20 All goods and services in the class are cancelled, namely: Computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings and interactive discussions in the field of social and environmental issues, corporate responsibility, political issues, citizen action, and non-profits; computer services, namely, interactive hosting services which allow users to publish and share their own content and images online relating to social and environmental issues, corporate responsibility, political issues, citizen action, and non-profits; providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs featuring social and environmental issues, corporate responsibility, political issues, citizen action and non-profits
Class 045. First Use: 2008/06/20 First Use In Commerce: 2008/06/20 All goods and services in the class are cancelled, namely: Online social networking services relating to social and environmental issues, corporate responsibility, political issues, citizen action, and non-profits

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77823563	Application Date	09/10/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CAUSES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2007/05/25 First Use In Commerce: 2007/05/25 Computer services, namely, online non-downloadable software for use by members of online communities in organizing around social, political and charitable issues		

Attachments	77823563#TMSN.jpeg (1 page)(bytes) CAUSETV petition to cancel.PDF (5 pages)(102383 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kristin Cornuelle/
Name	Thomas Zellerbach & Kristin Cornuelle
Date	02/08/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Registration No. 3,807,463
Trademark: **CAUSETV**

<p>Philotic, Inc., Petitioner, v. Cause TV, Inc., Respondent.</p>	
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PETITION TO CANCEL

Philotic, Inc., a Delaware corporation with a principal place of business at 2105 Martin Luther King Jr. Way, Berkeley, California, 94704 (hereinafter referred to as “Petitioner”), believes it will be damaged by Registration No. 3,807,463 for the mark CAUSETV, and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges:

1. Petitioner began using the mark CAUSES (“Petitioner’s mark”) in commerce no later than May 25, 2007 for online non-downloadable software and online social networking services relating to advocacy and organizing around social, political and charitable issues. Petitioner filed an application to register Petitioner’s mark on the Principal Register on September 10, 2009, U.S. Serial No. 77/823,563. Petitioner’s mark is inherently distinctive for such services and Petitioner is the owner of the mark and of the goodwill connected with it.

2. The owner of the mark CAUSETV is, on information and belief, Cause TV, Inc., a Delaware corporation with a principal place of business at 13312 Beall Creek Court, Potomac, Maryland, 20854 (hereinafter referred to as “Respondent”).

3. Respondent filed an application to register the mark CAUSETV (“Respondent’s mark”) on May 31, 2007 for “entertainment services, namely, providing a web site featuring photographic, video and prose presentations featuring social and environmental issues, corporate responsibility, political issues, citizen action and non-profits” in Class 41, “computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings and interactive discussions in the field of social and environmental issues, corporate responsibility, political issues, citizen action, and non-profits; computer services, namely, interactive hosting services which allow users to publish and share their own content and images online relating to social and environmental issues, corporate responsibility, political issues, citizen action, and non-profits; providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs featuring social and environmental issues, corporate responsibility, political issues, citizen action and non-profits” in Class 42, and “online social networking services relating to social and environmental issues, corporate responsibility, political issues, citizen action, and non-profits” in Class 45, U.S. Serial No. 77,194,000. Based on information and belief, Registrant claimed it first used its mark on June 20, 2008.

4. On or about August 9, 2010, the United States Patent and Trademark Office issued an office action in which it refused to register Petitioner’s mark under Lanham Act Section 2(d) on the grounds that Petitioner’s mark may be likely to cause confusion, to cause mistake, or to deceive with respect to Respondent’s mark.

5. Petitioner began using Petitioner's mark before Respondent filed its application for Respondent's mark and accordingly has priority over Respondent.

6. Given the United States Patent and Trademark Office's refusal to register Petitioner's mark on the ground that there may be a likelihood of confusion with Respondent's mark, and for purposes of this Petition for Cancellation only, Petitioner asserts that Respondent's mark is confusingly similar to Petitioner's mark such that relevant consumers are likely to be confused and that Petitioner's business activities will be adversely impacted.

7. In view of the foregoing, registration of Respondent's mark is damaging to Petitioner within the meaning of 15 U.S.C. § 1064.

WHEREFORE, Petitioner prays that this petition for cancellation be sustained and that U.S. Registration No. 3,807,463 be cancelled.

Opposer hereby appoints the law firm of Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025, telephone number (650) 614-7400, as the address to which all communications are to be directed and hereby appoints each of the following attorneys associated with said firm, and at the same address, individually and collectively, its attorneys, with full power of substitution and revocation, to prosecute this opposition proceeding and to transact all business in the U.S. Patent and Trademark Office in connection therewith: Thomas H. Zellerbach and Kristin S. Cornuelle.

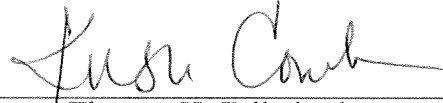
The Trademark Trial and Appeal Board is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe LLP's United States Patent and Trademark Office Deposit Account No. 150665.

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

Dated: February 8, 2011

By:



Thomas H. Zellerbach
Kristin S. Cornuelle

Attorneys for Philotic, Inc.
1000 Marsh Road
Menlo Park, CA 94025
650-614-7400

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing PETITION FOR CANCELLATION was served by First Class Mail, on February 8, 2011, on Respondent at the following address:

Aaron Golub
Hutchison Law Group, PLLC
5410 Trinity Road, Suite 400
Raleigh, North Carolina
27607

Dated: February 8, 2011

By: _____


Kristin S. Cornuelle

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